

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

The specification has been amended on pages 3 and 5.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-16 are now pending in this application.

Rejection under 35 U.S.C. § 102

Claims 1-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,472,769 to Goerz, Jr. *et al.* (hereafter "Goerz"). This rejection is respectfully traversed.

Amended claim 1 recites a ballistic resistant pad for use in protective textile or the like that comprises one or more sheets of high-strength fibers, and a plurality of elongated metal elements, said metal elements being attached to and located on a surface of at least one of said sheets so as to give to said pad a degree of resiliency to come back close to its original form after a local impact. Claims 2-26 depend from claim 1.

As discussed on page 1, line 26, to page 2, line 11, of this application, providing elongated metal elements on the surface of a sheet of high-strength fibers advantageously provides a degree of resiliency to a pad and can provide adequate protection even after one or more bullet impacts.

Goerz discloses a garment that includes a fabric 10 with knitted fibers made of aramid. See Goerz at col. 3, lines 44-52. Goerz discloses that the penetration resistance of the material can be increased by including an additional fiber component wound about or interspersed with the main fiber component. This additional fiber component can be selected from a group of relatively high strength and high surface friction flexible materials, such as

metal fibers. See col. 2, lines 15-23, of Goerz. Goerz also shows in Figure 2 high friction, high strength supplemental fibers 21 wound about aramid fibers 20. See Figure 2 and col. 3, lines 58-63. Goerz also discloses that the fibers 21 can be interwoven with the fabric 20. See col. 3, lines 63-64. The garment can further include a fine wire mesh 30. See Goerz at col. 4, lines 49-52.

However, Goerz does not disclose a ballistic resistant pad that comprises one or more sheets of high-strength fibers, and a plurality of elongated metal elements, said metal elements being attached to and located on a surface of at least one of said sheets so as to give to said pad a degree of resiliency to come back close to its original form after a local impact, as recited in claim 1. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally M.P.E.P. § 2131. Goerz does not disclose that the additional fiber components are attached to and located on a surface of at least one sheet of a pad that includes one or more sheets of high-strength fibers. The additional fiber components of Goerz, which are wound about or interspersed with the main fiber component, are not attached to and located on a surface of a sheet of such main fiber components. Therefore, Goerz does not anticipate claim 1 because Goerz does not disclose all of the features of claim 1.

For at least the reasons discussed above, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

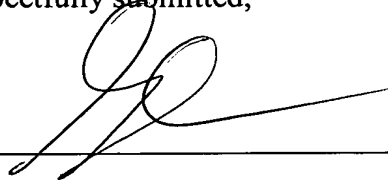
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment,

to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 3/27/08

By 

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ANNOTATED SHEET
TO SHOW
CHANGES MADE

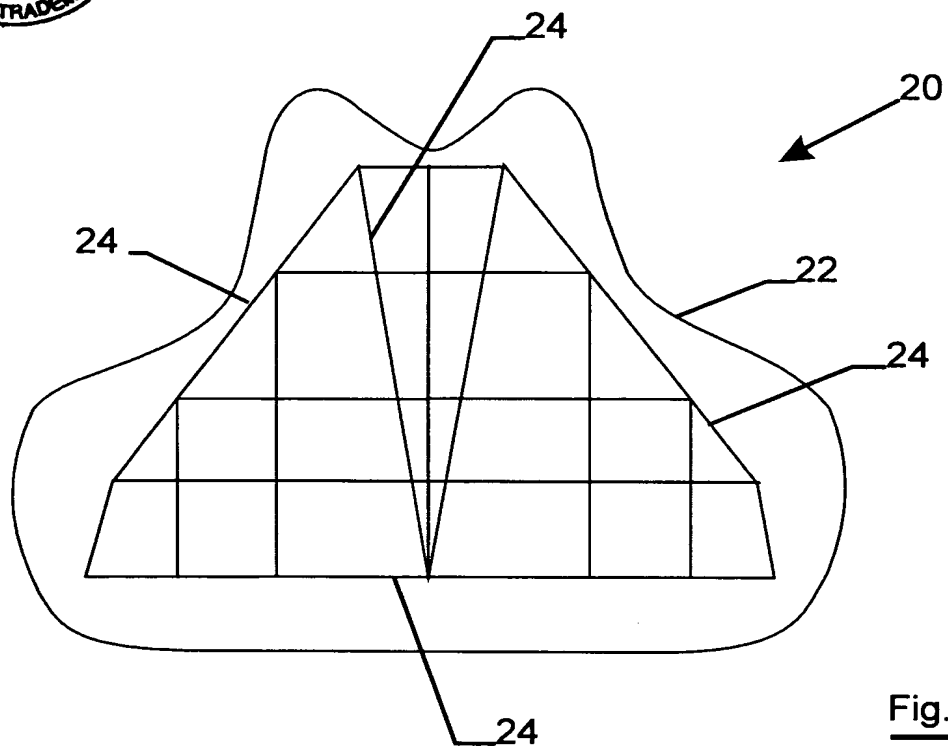


Fig. 3

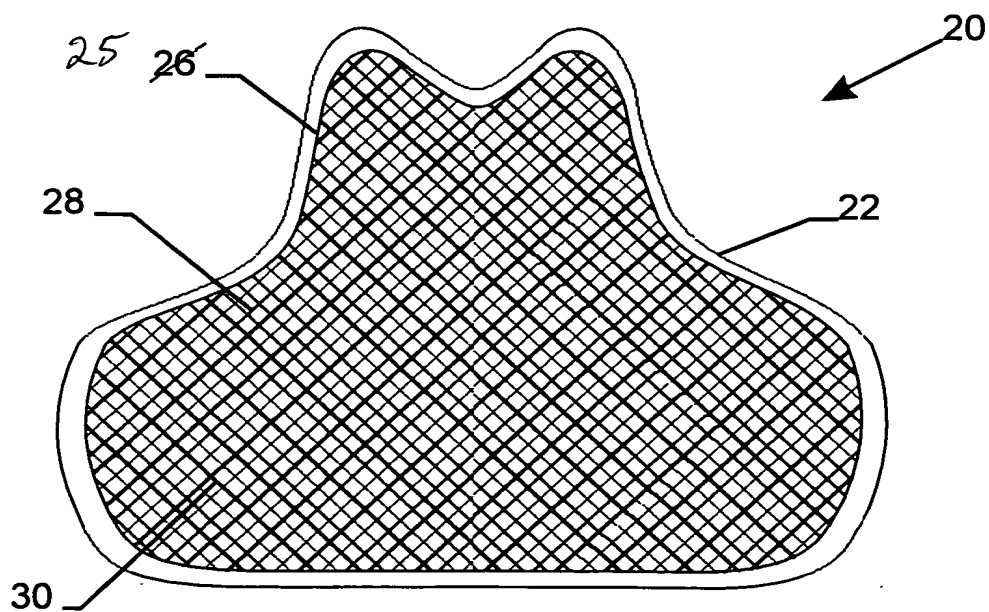


Fig. 4